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<congress>116th CONGRESS</congress> <session>1st Session</session>

<legis-num>H. R. __</legis-num>

<current-chamber>IN THE HOUSE OF REPRESENTATIVES</current-chamber>

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<action-desc><sponsor name-id="B001278">Ms. Bonamici</sponsor> introduced the following
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<legis-type>A BILL</legis-type>

<official-title>To amend the Toxic Substances Control Act to prohibit the manufacture,
processing, and distribution in commerce of asbestos and asbestos-containing mixtures
and articles, and for other purposes.</official-title>

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<legis-body id="HD96FE05CAF744C5D9EDF074BE791CFB1" style="OLC">

<section id="HA8A205A7B9A9420594B63CDDE00A3E87" section-type="section-
one"><enum>1.</enum><header>Short title</header><text display-inline="no-display-
inline">This Act may be cited as the <quote><short-title>Alan Reinstein Ban Asbestos
Now Act of 2019</short-title></quote>.</text></section>

<section id="HD367BE3AEFA2486AA3A669EEAC1337A3"><enum>2.</enum><header>Asbestos ban and
reporting</header><text display-inline="no-display-inline">Section 6 of the Toxic
Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the
following:</text>
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<quoted-block style="OLC" display-inline="no-display-inline" id="HAC568B91D0BF4B4F99E5BFBA6BC7A2B8">

<subsection id="HFF81A12AF7B3490996DD7AEE374EBB89"><enum>(k)</enum><header>Asbestos</header>

<paragraph id="H01E8795358624D458C51C8EC0D25DF59"><enum>(1)</enum><header>Prohibition of manufacture, processing, and distribution in commerce</header><text>Effective one year after the date of enactment of this subsection, no person may manufacture, process, or distribute in commerce asbestos or any mixture or article containing asbestos.</text></paragraph>

<paragraph id="H4316BA1AF3644F788F0FBB4AB671FF2E"><enum>(2)</enum><header>Exemption for national security reasons</header>

<subparagraph id="H725FC5B854624F58ABC9F72AEA733785"><enum>(A)</enum><header>In general</header><text display-inline="yes-display-inline">The President may, upon application, grant any person an exemption from the prohibition under paragraph (1) once for the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos only if the President determines thatâ€"

<clause id="H365C04C536CB494DB45DAB82FFD5A75"><enum>(i)</enum><text>the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos by the person is necessary to protect the national security interests of the United States; and</text></clause>

<clause id="H1064FDE3E42C4995BFA8EA1C4A1B199A"><enum>(ii)</enum><text>no feasible alternative to the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos exists for the intended use.</text></clause></subparagraph>

<subparagraph id="H345DB09D9E2B4603AF10BA81C5504F25"><enum>(B)</enum><header>Duration</header>

<clause id="H2921F0AA3B954E299AD5CCD96820025E"><enum>(i)</enum><header>In general</header><text>The period of an exemption granted under subparagraph (A) shall not exceed 3 years.</text></clause>

<clause id="HA10EEB7B37C44F01AC9DAFE240ED0BAB"><enum>(ii)</enum><header>Extension</header><text>The President may, in accordance with subparagraph (A), extend an exemption granted under such subparagraph once, for a period not to exceed 3 years.</text></clause></subparagraph>

<subparagraph id="HC4F910CF4CDC4CDFB716584C32D1E33F"><enum>(C)</enum><header>Terms and conditions</header><text>An exemption granted under this paragraph (including an extension thereof) shall include such terms and conditions as are necessary to achieve maximum practicable reduction in exposure to asbestos.</text></subparagraph>

<subparagraph id="HEB60900B676C46B89270A165F32FA3AC"><enum>(D)</enum><header>Publication</header><text>

<clause id="H79B84EF57C1A4C0D8BEDC4F2385EA51E"><enum>(i)</enum><header>Applications</header><text display-inline="yes-display-inline">Not later than 30 days after receipt of an application for an exemption under this paragraph (including an extension thereof), the President shall publish the application in the Federal Register.</text></clause>

<clause id="H3216DECCE269453AB605CA2B8D8BDFEA"><enum>(ii)</enum><header>Exemptions</header><text display-inline="yes-display-inline">Not later than 30 days after granting an exemption under this paragraph (including an extension thereof), the President shall publish in the Federal Register notice of the exemption and the terms and conditions included under subparagraph (B).</text></clause></subparagraph>

<subparagraph id="H416185B7979243C48F0733BEE613DB0D" commented="no"><enum>(E)</enum><header>Application of waiver authority</header><text>Notwithstanding section 22, the Administrator may not issue a waiver under such section with respect to asbestos.</text></subparagraph></paragraph>

<paragraph
id="HB6BCB4A7455D4533989F14362E949B89"><enum>(3)</enum><header>Reports</header>

<subparagraph id="HA0C9A36D17E8498EBE578ECD95A5A442"><enum>(A)</enum><header>Timing and coverage</header>

<clause id="HEC742BCE9ADA4E2F91380B26BD2EDF00"><enum>(i)</enum><header>Previous action</header><text display-inline="yes-display-inline">Not later than 120 days after the date of enactment of this subsection, any person who has manufactured, processed, or distributed in commerce asbestos or any mixture or article containing asbestos in the 36 months preceding such date of enactment shall submit to the Administrator a report described in subparagraph (B).</text></clause>

<clause id="H4BD5F4039B79442E8DECCC1911D50A12" commented="no"><enum>(ii)</enum><header>Later action</header><text>Any person manufacturing, processing, or distributing in commerce asbestos or any mixture or article containing asbestos during the period that begins on the date of enactment of this subsection and ends on the date on which the prohibition under paragraph (1) takes effect shall submit to the Administrator a report described in subparagraph (B) not later than 60 days afterâ€"</text>

<subclause id="H1C6035D32B9444DE3B5774C7664F69ED6" commented="no"><enum>(I)</enum><text display-inline="yes-display-inline">the date of enactment of this subsection, for any person who has manufactured, processed, or distributed in commerce asbestos or any mixture or article containing asbestos before such date of enactment; or</text></subclause>

<subclause id="HB38D5F4A0B124054A6DCFC6B90D65651" commented="no"><enum>(II)</enum><text>the date on which the person initiates any such manufacture, processing, or distribution in commerce, for any person initiating such manufacturing, processing, or distribution in commerce on or after such date of enactment.</text></subclause></clause>

<clause id="HF491061E44E841B6948145B7DA794A9F"><enum>(iii)</enum><header>Reports during exempted period</header><text display-inline="yes-display-inline">Any person granted an exemption under paragraph (2) shall submit to the Administrator a report described in subparagraph (B) not later than 27 months afterâ€"</text>

<subclause id="H30C9C956BF6540AFA6D737B08F13B7BA"><enum>(I)</enum><text>the exemption is granted; and</text></subclause>

<subclause id="HDFB0E80D0B134A76869AD4704535238E"><enum>(II)</enum><text display-inline="yes-display-inline">the exemption is extended, if applicable.</text></subclause></clause></subparagraph>

<subparagraph id="H9870B7C9F1E64F49ACB6AA5DCF69252D"><enum>(B)</enum><header>Contents</header><text>Each report submitted under subparagraph (A) shall includeâ€"</text>

<clause id="H9CBDB08AD35145F395749D804BF4EAD1"><enum>(i)</enum><text>the name and address of the person submitting the report;</text></clause>

<clause id="H3F233E0E4B1F4539AD1DD2CAD6FF4E07"><enum>(ii)</enum><text>the name, title, and contact information of an authorized representative of the person submitting the report;</text></clause>

<clause id="H5CFB87DE381F4F809605DDFB6DB4F3C4" commented="no"><enum>(iii)</enum><text>the location of the facility or facilities where the manufacture, processing, or distribution in commerce of asbestos or mixtures or articles containing asbestos has occurred, or will occur, during the reporting period;</text></clause>

<clause id="HCAC1BA3B1AA74C449ADACC2A1E02151D" commented="no"><enum>(iv)</enum><text display-inline="yes-display-inline">a description of the manufacture, processing, or distribution activity during the reporting period of the person submitting the report, and the intended and known uses of asbestos and each mixture or article containing asbestos by that person and all other persons to whom the asbestos, mixture, or article is sold or otherwise distributed in commerce; </text></clause>

<clause id="H3F177E4B64B04737BFB7BB9021BDFE4F"><enum>(v)</enum><text>the amount of asbestos, and the amount and concentration of asbestos in any mixture or article

containing asbestos, that is manufactured, processed, or distributed in commerce, or expected to be manufactured, processed, or distributed in commerce, by the person during the reporting period;

</text></clause>

<clause id="HB321A6F8D97047B5A7D0F4B619D8627B" commented="no"><enum>(vi)</enum><text display-inline="yes-display-inline">reasonable estimates of the amount of asbestos to be disposed of as a result of the reported manufacture, processing, or distribution activities, and the manner of such disposal; and</text></clause>

<clause id="H12965F7087564A2DA2AD58CF75C7D2A1" commented="no"><enum>(vii)</enum><text display-inline="yes-display-inline">reasonable estimates of the number of individuals who, as a result of the reported manufacture, processing, and distribution activities

<subclause id="H117817C4116B4924A3AFA3721616D0EE" commented="no"><enum>(I)</enum><text>the number of individuals who, as a result of the reported manufacture, processing, and distribution activities</text>

<item id="H6D6794B7C66145629A4303958E981D8B" commented="no"><enum>(aa)</enum><text>have been exposed to asbestos or mixtures or articles containing asbestos; and</text></item>

<item id="HBD11957150AB4256AA44F537940BE10C" commented="no"><enum>(bb)</enum><text>will be so exposed; and</text></item></subclause>

<subclause id="H69591D02B61F4C14B45999EFCD7D1697" commented="no"><enum>(II)</enum><text>the nature, duration, frequency, and levels of any such exposure.</text></subclause></clause></subparagraph>

<subparagraph id="HD3FC9C0FCA6F4078B6278DDE5564440C"><enum>(C)</enum><header>Reporting period</header><text>For purposes of subparagraph (B), the reporting period for a report submitted under</text>

<clause id="H2B6061DC08E1487DB5924FD6C2F1E46D"><enum>(i)</enum><text display-inline="yes-display-inline">subparagraph (A) (i) shall be the period that begins on the date that is 36 months prior to the date of enactment of this subsection and ends on the date of enactment of this subsection; </text> </clause>

<clause id="H5286A01606B542FB9F8D3518FEDA7A08"><enum>(ii)</enum><text display-inline="yes-display-inline">subparagraph (A) (ii) shall be the period that begins on the date of enactment of this subsection and ends on the date on which the prohibition under paragraph (1) takes effect; </text></clause>

<clause id="H194A4E63965249EDA7FE05EF64A62931"><enum>(iii)</enum><text>subparagraph (A) (iii) (I) shall be the period that begins on the date on which an exemption is granted under paragraph (2) and ends on the date such exemption expires (not including an extension thereof); and</text></clause>

<clause id="H2B4B0CF31773481A8EEF6DC84FAD786E"><enum>(iv)</enum><text>subparagraph (A) (iii) (II) shall be the period that begins on the date on which an exemption is extended under paragraph (2) and ends on the date such extension expires.</text></clause></subparagraph>

<subparagraph id="H72092FCEB17F459893D4A9AB01F9CADE"><enum>(D)</enum><header>Reporting forms and instructions</header><text>Not later than 30 days after the date of the enactment of this subsection, the Administrator shall publish a notice in the Federal Register that provides instructions for reporting under this paragraph and a form or forms for use by persons submitting reports under this paragraph.</text></subparagraph>

<subparagraph id="HE3824633A78149A59F61A1BE102DEEEF"><enum>(E)</enum><header>Availability</header><text display-inline="yes-display-inline">Not later than 3 months after a report is submitted under subparagraph (A), the Administrator shall make such report available to the public.</text></subparagraph>

<subparagraph id="H983A0C715E834B09ADC12C262F11D1F0"><enum>(F)</enum><header>Summary and analysis</header><text display-inline="yes-display-inline">Not later than 180 days after a report is submitted under subparagraph (A), the Administrator shall make available to the public a summary and analysis of the information such report contains.</text></subparagraph></paragraph>

<paragraph id="H6BD9BAF66E364966B667724EB9C74D6C"><enum>(4)</enum><header>Definitions</header><text>In this subsection:</text>

<subparagraph id="H914621BD8FE64C4BA27EFE45A7470066"><enum>(A)</enum><header>Asbestos</header><text display-inline="yes-display-inline">The term <term>asbestos</term> means "the asbestosiform varieties of chrysotile, actinolite, amosite, anthophyllite, crocidolite, richterite, winchite, and tremolite; and</text></clause>

<clause id="HE6963303FA3042AF8B8F009ECDD225AD"><enum>(i)</enum><text>the asbestosiform varieties of chrysotile, actinolite, amosite, anthophyllite, crocidolite, richterite, winchite, and tremolite; and</text></clause></subparagraph>

<subparagraph id="H37BCFC4D20BC4814AFDB3C725842FFA1"><enum>(B)</enum><header>Distribute in commerce</header><text>The terms <term>distribute in commerce</term> and <term>distribution in commerce</term> have the meaning given the terms in section 3(5), but, notwithstanding such section 3(5), do not include, with respect to asbestos"</text>

<clause id="H2DC6915E09E343FEACFF705056191D43"><enum>(i)</enum><text display-inline="yes-display-inline">end-use of a mixture or article containing asbestos and installed in a building or other structure before the date of enactment of this subsection; or</text></clause>

<clause id="H523A6CC179E44289B925751BAD74A4C1"><enum>(ii)</enum><text>distribution of a mixture or article containing asbestos solely for the purpose of disposal of the mixture or article in compliance with applicable Federal, State, and local requirements.</text></clause></subparagraph>

<subparagraph id="H2F540628F92240F6A90023117ED8165A"><enum>(C)</enum><header>Mixture or article containing asbestos</header><text>The term <term>mixture or article containing asbestos</term> includes a mixture or article in which asbestos is present as an impurity.</text></subparagraph></paragraph></subsection><after-quoted-block></after-quoted-block></quoted-block></section>

<section id="H829254DF930242F1B163E92273138716"><enum>3.</enum><header>Legacy asbestos: report and recommendations</header>

<subsection id="H491A1A39DD634174AC8388CC388D226F"><enum>(a)</enum><header>Report</header><text>Not later than 18 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Health and Human Services and the Secretary of Labor, shall prepare and submit to Congress a report assessing the presence of asbestos in residential, commercial, industrial, public, and school buildings; and</text></subsection>

<paragraph id="H9F936306C3EA4FE0A13C4153C5479568"><enum>(1)</enum><text>the extent of exposure and risk to human health associated with the asbestos present in such buildings from all commercial, industrial, and consumer activities that may result in asbestos exposure.</text></paragraph>

<subsection id="HBAD3CE8F8C2B414D8A48BCBF94E4C0BF"><enum>(b)</enum><header>Contents</header><text>The report required under subsection (a) shall be based upon the best available information, and information that can feasibly be obtained through surveys or other means, and shall provide the following:</text>

<paragraph id="HFE1E63BC29A048428C4F7477520ECE86"><enum>(1)</enum><text>An estimate of the number of residential, commercial, industrial, public, and school buildings where asbestos is present.</text></paragraph>

<paragraph id="H13F6B56A48974D55859F73BB556A5CDB"><enum>(2)</enum><text>An estimate of the amount of asbestos in such buildings and the portion of such asbestos that is friable.</text></paragraph>

<paragraph id="H50D5EE48D95E4771824D296712452D71"><enum>(3)</enum><text>A description of the types of building components and systems containing asbestos in such buildings and the categories of mixtures and articles containing asbestos that are present, such as thermal insulation, roofing materials, asbestos cement pipe, and asbestos cement sheet.</text></paragraph>

<paragraph id="H8FA13E703A284C2E82F63AD50468FA0D"><enum>(4)</enum><text>For each category of building, an estimate of the number of people potentially exposed to asbestos, the conditions and activities with the greatest potential for exposure, and estimates of the levels of exposure.</text></paragraph>

<paragraph id="H9F2B101E14A4425BAEDF86F0588BD6F5"><enum>(5)</enum><text>A description of the role of handling, maintenance, and construction practices in creating exposure to asbestos and the impact of building aging on the potential for asbestos exposure.</text></paragraph>

<paragraph id="H3ABC3AEBA96C4D05A635DDA39BDAD93E"><enum>(6)</enum><text>An estimate of the amount of asbestos waste generated from building renovation, repair, and demolition for each of the last 5 years and the procedures that are utilized for the handling, transport, and disposal of such waste.</text></paragraph></subsection>

<subsection id="H5AD600C573D04F07A546EDE46D909965"><enum>(c)</enum><header>Recommendations</header>

<paragraph id="HB65DD43E03DE409CA1A152A648029FC8"><enum>(1)</enum><header>In general</header><text>The report submitted under subsection (a) shall containâ€"</text>

<subparagraph id="H3C864549821B4D78B91A881E50535C46"><enum>(A)</enum><text display-inline="yes-display-inline">an assessment of the sufficiency of existing statutes, regulations, policies, and programs, implemented by the Environmental Protection Agency, the Department of Labor, and other agencies, in protecting against exposures to legacy asbestos; and</text></subparagraph>

<subparagraph id="H70B84048730A4B64B1E94DCA2CB4B5C2" commented="no"><enum>(B)</enum><text>recommendations for modifications or additions to such statutes, regulations, policies, and programs, as necessary to reduce or eliminate risks to human health.</text></subparagraph></paragraph>

<paragraph id="H181DAF9DEBFA43A7A15168641F6E8BDC"><enum>(2)</enum><header>Inclusions</header><text display-inline="yes-display-inline">Recommendations under paragraph (1)(B) may include recommendations for new, additional, or modified statutes, regulations, policies, or programs forâ€"</text>

<subparagraph id="HEDF45EB0F6034728B5EE69A2FDB2A5CA"><enum>(A)</enum><text>the inspection of buildings to determine the presence and condition of asbestos;</text></subparagraph>

<subparagraph id="H02BC3EE93A2D4230A9A130C9BE4066AD"><enum>(B)</enum><text>inventorying the presence and condition of asbestos in buildings;</text></subparagraph>

<subparagraph id="H255B4746AD994A6A9914D3CD598536C0"><enum>(C)</enum><text>removal of asbestos from buildings;</text></subparagraph>

<subparagraph id="H1C515C18C23E42A5ADCE5F51C2CF0690"><enum>(D)</enum><text>handling asbestos during building maintenance, repair, demolition, and other commercial and industrial activities with the potential for asbestos exposure; and</text></subparagraph>

<subparagraph id="H1BFF589FED4646368A3F36495A7F1048"><enum>(E)</enum><text>disposal of asbestos-containing waste and debris.</text></subparagraph></subsection>

<subsection id="H6B939239A3104A8794E1273CE0A280EF"><enum>(d)</enum><header>Effect on existing law</header><text>Compliance with this section shall not relieve the Administrator of the Environmental Protection Agency, the Secretary of Health and Human Services, or the Secretary of Labor, of any other obligation arising under this Act or any other law.</text></subsection>

<subsection id="H93CD4BE5159544A8A79FB146573E6F6B"><enum>(e)</enum><header>Definition of asbestos</header><text display-inline="yes-display-inline">In this section, the term <term>asbestos</term> meansâ€"</text>

<paragraph id="HAE6D8D447D984383B74A52DD65D77963"><enum>(1)</enum><text>the asbestosiform varieties of chrysotile, actinolite, amosite, anthophyllite, crocidolite, richterite, winchite, and tremolite; and</text></paragraph>

<paragraph id="H5CA0DD68FD26429C891DF04E72FA4BE5"><enum>(2)</enum><text>the non-asbestosiform varieties of richterite and

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winchite.</text></paragraph></subsection></section>
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